

**REMARKS**

Claims 1 through 14 are pending. The Office Action indicates Claims 1 through 13 are pending. However, Claim 14 was added in Applicants' Amendment of March 28, 2003, as reflected in the listing of claims provided above. Accordingly, Applicants respectfully request that Claim 14 be included in the examination on the merits.

Applicants respectfully submit that this response does not raise new issues, but merely places the above-referenced application either in condition for allowance, or alternatively, in better form for appeal. Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

**Submission of Terminal Disclaimer**

Claims 1 through 13 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting in light of United States Patent Nos. 6,423,401 and 6,709,731 (previously Application No. 10/182,317). Claims 1 through 13 also stand rejected in light of copending Application No. 10/182,294. Solely to advance prosecution of the case and without addressing the merits of the rejection, Applicants respectfully submit herewith a terminal disclaimer, as suggested by the Examiner. More particularly, Applicants submit herewith a terminal disclaimer to be charged to Deposit Account 50-2193 that disclaims the terminal part of any patent granted on the above-identified application extending beyond the expiration date of the full statutory term which may ultimately result from the cited patents, i.e. United States Patent Nos. 6,423,401 and 6,709,731 and copending application, i.e. Application No. 10/182,294.

The Double Patenting Rejection  
Has Been Obviated

Claims 1 through 7, 9 and 13 stand rejected under the judicially created doctrine of obviousness-type double patenting over the claims of United States Patent No. 6,423,401 to Peiffer et al. (US 401). Claim 8 stands rejected under the judicially created doctrine of obviousness-type double patenting over the claims of US 401, and further in view of United States Patent No. 4,493,872 to Funderburk et al. (US 872) or United States Patent No. 6,214,440 to Peiffer et al. (US 440). Claims 10 through 12 stand rejected under the judicially created doctrine of obviousness-type double patenting over the claims of US 401 and further in view of United States Patent No. 6,136,420 to Hibiya et al. (US 420).

Claims 1 through 13 stand further rejected under the judicially created doctrine of obviousness-type double patenting over the claims of copending Application No. 10/182,294 or United States Patent No. 6,709,731 (previously Application No. 10/182,317) to Peiffer et al. in view of United States Patent 5,955,181, also to Peiffer et al.

As noted above, Applicant submits herewith a terminal disclaimer to United States Patent Nos. 6,423,401 and 6,709,731 and copending application, i.e. Application No. 10/182,294. Accordingly, Applicants respectfully submit that the foregoing double patenting rejections have been obviated by removal of the primary references.

35 USC § 103

Claims 1 through 13 stand rejected as unpatentable over German Patent Applications 100 07 723 Al or 100 07 725 Al or 100 07 722 Al (DE 723 or DE 725 or DE 722, respectively) or WO 01/60900 Al or WO 01/60610 or WO 01/60613 (WO 900 or WO 610 or WO 613, respectively).

Applicants respectfully reiterate that DE 723, DE 725, DE 722, WO 900, WO 610 and WO 613 do not constitute prior art against the above-referenced application. Each of the foregoing references has a publication date of August 23, 2001. As noted in Applicant's Amendment of November 24, 2003, the present application is entitled to a priority date of December 20, 2000. Applicants submit herewith a certified English translation of German parent application 100 63 590.3, thereby making the parent application of record in accordance with 37 CFR 1.55 to secure the German priority date, as requested by the Examiner.

Accordingly, Applicants respectfully submit that DE 723, DE 725, DE 722, WO 900, WO 610 and WO 613 do not constitute prior art and that the rejection under 35 USC § 103 has thus been obviated.

#### Conclusion

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 14 are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary to allow consideration of this paper, the fees are hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,



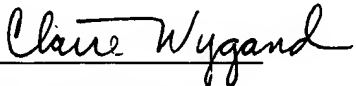
Klaus Schweitzer  
(See attached Limited Recognition Form)

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**CERTIFICATE OF MAILING (37 CFR 1.8a)**

The undersigned hereby certifies that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop AF; Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2004

  
Ms. Claire Wygand